

**In the Matter of:**

DEFENDANT

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) **CASE NO. 96-334**  
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## ORDER

East Kentucky Power Cooperative, Inc. ("EKPC") and the Complainants have jointly moved to dismiss this proceeding under certain terms and conditions. No objections to the joint motion have been filed. Having considered the motion and being otherwise sufficiently advised, the Commission finds that the joint motion should be granted.

**IT IS THEREFORE ORDERED that:**

1. The Joint Motion to Dismiss Without Prejudice is granted.
2. This matter shall be dismissed with prejudice upon the closing of EKPC's sale to Mrs. Carey Adair of the 2.227 acre tract and 2,472.2 foot transmission line easement previously conveyed by Mr. and Mrs. Carey Adair to EKPC.
3. Dismissal of this matter is made subject to the following terms and conditions:

a. The 138/12.47 kV 12 MVA distribution substation ("Jacksonville Substation") that is the subject of this action and that EKPC proposed to construct on a 2.227 acre tract located on the Clay-Kiser Pike and purchased from Mr. and Mrs. Carey Adair ("Adair Property") will not be constructed on the Adair Property.

b. EKPC will construct the Jacksonville Substation on a tract of land located off Russell Cave Road, north of Silas Road, near a rock quarry.

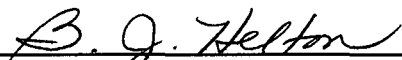
c. EKPC will not construct a transmission tap or other line on the transmission line easement which it purchased from Mr. and Mrs. Carey Adair, Mr. William S. Davidson, Mr. and Mrs. Philip L. Clements, Louise C. Robinson, Trustee, Louise C. Robinson Family trust and Philip L. Clements, III Trustee.

4. Within 10 days of the closing of the sale by EKPC to Mrs. Adair, Complainants and EKPC shall jointly advise the Commission in writing of the closing of this sale.

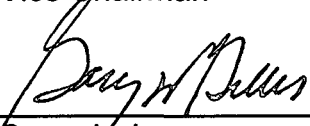
5. Upon the Commission's receipt of notice of the closing, this matter shall stand dismissed. No further Orders shall be required to execute this dismissal.

Done at Frankfort, Kentucky, this 1st day of October, 1998.

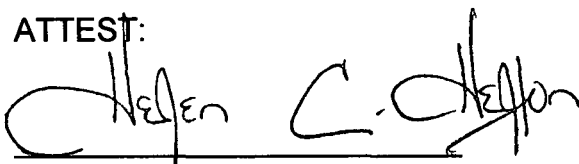
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director